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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventive Patent Application of
LONGBOTTOM ET AL.

Atty. Ref.: 620-451

Serial No. 10/589,872

Group: Unknown

Filed: August 18, 2006

Examiner: Unknown

For: METHOD, APPARATUS AND KIT FOR BREATH
DIAGNOSIS

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 22, 2007

Sir:

INFORMATION DISCLOSURE STATEMENT

- ☒ 1. **PTO-1449 Pursuant to 37 CFR 1.97(b)**
[within 3 months of filing or prior to 1st Office Action on the merits]
N/C
- ☐ 2.(a) **Statement Pursuant to 37 CFR 1.97(c)**
[before Final Office Action or Allowance (requires Rule 97(e)
Statement or Rule 17(p) fee)]
N/C
- ☐ 2.(b) **Fee Payment Pursuant to 37 CFR 1.97(c)**
[before Final Office Action or Allowance (requires Rule 97(e)
Statement or Rule 17(p) fee)]
\$180.00
- ☐ 3. **Pursuant to 37 CFR 1.97(d)**
[after Final Office Action or Allowance (requires Rule 97(e)
Statement and Rule 17(p) fee), but before final fee payment]
\$180.00

The following are submitted in the above-identified application in compliance with 37 C.F.R. §§ 1.97 and 1.98:

- ☒ 4. A list of documents on Form PTO-1449 together with copies of each identified document and a translation or a concise explanation of each non-English language document (such as a Search Report) is enclosed herewith.

This paper is submitted in accordance with:

- ☐ 5. 37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action]
- ☐ 6. 37 CFR 1.97(c): [before Final Office Action or Allowance, whichever is earlier]; and
- ☐ a) The required Statement made in item 8 below; or
- ☐ b) The \$180.00 fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement is authorized in item 9 below.
- ☐ 7. 37 CFR §1.97(d): [after Final Office Action or Allowance (requires Rule 97(e) Statement and Rule 17(p) fee), but before final fee payment]; and
- ☐ a) The fee (\$180.00) required by 37 CFR §1.17(p) is submitted herewith; and
- ☐ b) The required Statement is stated in item 8 below.
- ☐ 8. Statement under 37 CFR 1.97(e)
- ☐ a) The undersigned attorney of record hereby certifies under 37 C.F.R. §1.97(e) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement (each item contained in this IDS was the first citation of that item by a foreign patent office in a counterpart foreign application which occurred no more than three months prior to the filing of this IDS); or
- ☐ b) No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement, after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

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- ☒ 9. Please charge all deficiency fees associated with the submission of this Information Disclosure Statement and any other fees applicable to this application to Deposit Account No. 14-1140. An original and one (1) copy of this document are enclosed.

Respectfully submitted,
NIXON & VANDERHYE P.C.

By:



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**INFORMATION DISCLOSURE
CITATION**

ATTY. DOCKET NO.

SERIAL NO.

620-451

10/589,872

APPLICANT

LONGBOTTOM ET AL.

(Use several sheets if necessary)

FILING DATE

GROUP

August 18, 2006

Unknown

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	US 5,533,512	07/1996	Novotny			
	US 5,282,473	02/1994	Braig			
	US 2002/0151814	10/2002	Payne			

FOREIGN PATENT DOCUMENTS

DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
					YES	NO
GB-A-2295679	06/1996	Great Britain				
GB-B-2347999	11/2001	Great Britain				
EP-A-1206948	05/2002	Europe			X	
EP-A-1378743	01/2004	Europe				
EP-B-0551142	09/1997	Europe				
EP-B-0648088	08/2001	Europe				
EP-B-0699414	03/1996	Europe				
DE-A-3640035	05/1988	Germany			X	
DE-19911325	07/2000	Germany			X	
WO 98/39470	09/1998	WIPO				
WO 98/57145	12/1998	WIPO				
WO 91/03727	03/1991	WIPO				
WO 97/26827	07/1997	WIPO				

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

	Search Report for GB 0403612.5 dated 29 July 2004
	VON BASUM et al, "Online recording of ethane traces in human breath via infrared laser spectroscopy", J Appl Physiol 95: 2583-2590, 2003
	DAHNKE et al, "Real-time monitoring of ethane in human breath using mid-infrared cavity leak-out spectroscopy", Applied Physics B: Lasers and Optics, Volume 72, Number 8, June 2001, Pages 971-975
	HERRIOT et al, "Folded optical delay lines", 1965, Appl. Optics, 4, 883

*Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

Form PTO-FB-A820 (Also PTO-1449)